

from April until August. Having gotten the Attorney General's office to move, he would have gone to the Department of Education who had been told in March to act and had not done so and then he would have gotten that agency to act. Having done that, he could have pursued it on over to Mr. Matzke's office with another writ of mandamus and said issue the warrant that the Department of Education has now given you a voucher for after getting the Attorney General's office to rule on it and then it would have gone to the Governor, who in his veto of that issue, said, I am vetoing this measure because it is unconstitutional. You find me a place in chapter or verse where he has the authority to declare it unconstitutional. He continues on as per the Attorney General and you will be hunting all night looking for that piece of authority because it does not exist. There is only one point where it is unconstitutional and that happens to lie with the courts, and for us to say that we are afraid of the deep water, boy, we have been in more deep water around here lately, but to say that we are afraid as a legislative body to spell out what the Constitution says we have the right to do, to compel compliance with the law by our agencies, I don't believe it. I don't believe it. We have got to act or we are going to be as guilty of bureaucracy as Washington ever thought of being. I ask your support, not only for this bill, but in the subsequent bills which will provide follow-up measures. Senator Luedtke inferred that he thought they might be constitutionally suspect. The Attorney General wrote a bill that he would like to have substituted for all three of these. His treatment of the section...

SENATOR F. LEWIS: One minute, Senator Murphy.

SENATOR MURPHY: ...in section 45 here is almost identical to what you have before you and yet here we have people saying, oh, you can't do it. It will never work. The Attorney General thinks it will and I will get copies of that to you for you to look at because I think this is extremely important, gentlemen. I hate to be part of bureaucracy. I truly do.

SENATOR F. LEWIS: Senator Chambers, you were next but you have spoken twice on this bill already. If you get three times, Senator Chambers, I was just going to recognize you. Senator Chambers.

SENATOR CHAMBERS: We do for real. That is a new rule, Mr. Chairman. Members of the Legislature, I agree with Senator Murphy that we have to face this issue but we must realize that while dealing with a statute we are considering a matter that relates to the Constitution. The government is based on three distinct branches of government which supposedly are coequal in power, meaning that unless the Constitution provides otherwise, neither one can impinge on the authorities of the other. I would like to point out the difference between the Attorney General's opinion resulting in an agency head not acting pursuant to a statute and the declaration by the Supreme Court that the statute is unconstitutional. If the Supreme Court says it is unconstitutional, that erases the statute for all purposes. If the Attorney General merely gives an opinion and an agency head pursuant to that